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SIPDIS

SENSITIVE

DEPARTMENT FOR G/TIP, G, INL, DRL, EUR/PGI, EUR/SE

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SUBJECT: TRAFFICKING IN PERSONS: MFA REPORTS ONGOING
EFFORTS

1. (SBU) SUMMARY: In an April 13 meeting with MFA Deputy Director General for Consular Affairs Haldun Otman, visiting USDOJ Civil Rights Division Chief Al Moskowitz discussed USG efforts to combat trafficking in the United States, noting success in USG methods for 1) identifying victims, 2) distinguishing between willing prostitution and victimization through smuggling or trafficking, 3) providing safe shelter to victims, 4) collecting evidence, and 5) prosecuting traffickers. Otman discussed Turkey's TIP challenges (para 2) and reviewed GOT responses (para 5). Moskowitz noted that the USG faces similar challenges in combating TIP. Otman asserted that, in March 2004 consultations, the GOT and Governments of Belarus and Ukraine agreed to sign anti-TIP international cooperative protocols (para 6). END SUMMARY.

2. (SBU) General TIP challenges enumerated by Otman and echoed by Moskowitz include:

- The majority of victims choose to return home immediately. Victims refuse to stay in Turkey because 1) they want to put the trauma of a terrible experience behind them, 2) they don't want to wait for potentially drawn-out and painful legal proceedings, and 3) they lack general qualifications such as language skills to find substantial legal employment.

- Cases against alleged traffickers are hard to build because, in general, the few victims who choose to remain in Turkey have very little information about their traffickers. Police assert that most victims only see the inside of the hotel in which they are held captive. They don't know the names of their handlers or other essential details that would help prosecutors build 201(b)-type trafficking cases.

- Beyond notification of IOM, police have no standard structure for providing shelter. If victims do not remain in the country to testify against traffickers, prosecutors have a tough time building cases.

3. (SBU) Otman noted difficulties in maintaining accurate statistics for TIP prosecutions. He said, overzealous prosecutors who, in an effort to take advantage of much stronger penalties, try any case that has international elements under Turkey's much harsher trafficking law -- Section 201(b), Turkish Penal Code. Too frequently, Otman asserts, the court determines that the defendant should instead be tried under Section 201(a), for human smuggling crimes. As a result, courts acquit on 201(b) (trafficking) and charge defendants on 201(a) crimes (smuggling).

4. (SBU) Under entertainment visa application requirements implemented in March 2004, Otman asserted, the GOT now calls for a special contract (published in Russian or English and translated into Turkish) signed by the visa applicant in the presence of a consular/immigration officer. At the time the contract is signed, Otman notes, the immigration officer is required to highlight a section of the accompanying application that instructs applicants to contact police at a general 911-style hotline (in Turkey 155 and 156) if their employment becomes abusive or compulsory. Applicants are also given contact phone numbers for the Human Resource Development Foundation; Turkey's lead TIP NGO. Otman said this "public awareness campaign" targets exactly the people, "so-called entertainers", who are most at risk of falling victim to traffickers.

5. (SBU) Begin text of MFA Dipnote:

The Ministry of Foreign Affairs encloses further information on the efforts of the Republic of Turkey in the fight against human trafficking:

RAISING AWARENESS

A meeting with media representatives was organized in January 2004 at the Ministry of Foreign Affairs to raise public awareness in the fight against trafficking in human beings. Human trafficking issues are now covered more widely in media. ("Radikal" (Turkish daily newspaper) dated March 30, 2004 and April 5, 2004)

Updated country reports on the fight against trafficking in human beings and illegal migration has been displayed on the web site of the MFA since February 2004.

The General Directorate of the Status and Problems of Women organized panels on the fight against trafficking in human beings on December 19, 2002 and December 18, 2003. Chiefs of Security of several cities, several NGOs and local press representatives participated in the said panels. During the panels, representatives of NGOs and governors' offices have reached a consensus on establishing cooperation to combat human trafficking.

FREE MEDICAL TREATMENT

Free medical treatment is now being provided to the victims of human trafficking. The statistical data concerning the use of free medical treatment has not been available yet, however a form has been prepared and sent to Directorates of Health by the Ministry of Health to get the relevant statistical data. According to the decree, which provides free medical treatment, as an example, the case of a Kyrgyz citizen (woman) has been brought to the attention of The Ministry of Foreign Affairs. She was hospitalized on February 7, 2004, in Trabzon Women's and Children's Hospital and discharged from the hospital on February 11, 2004. The cost for her medical treatment, 380.000.000 TL (approximately \$300) was provided according to the said decree.

ERZURUM TIP CASE

Ukrainian citizen Oksana Tobor was detained as a result of the operation organized by the Erzurum Directorate of Security. After the screening process, it was determined that she was not a victim of trafficking. She was diagnosed of HIV -positive and Hepatitis C virus. She was then sent to Ankara Numune Hospital for medical treatment (CD4Niral load). Oksana Tobor was granted a temporary residence permit, medical care and shelter. She insisted on returning to Ukraine. The Turkish Authorities assured her departure to Odessa, Ukraine on January 7, 2004 from the budget of Istanbul Security Department and informed the Embassy of Ukraine in Ankara about her departure by the Note, dated December 30, 2003. According to the information received from the Ministry of Justice, in her testimony she stated that she came to Turkey for prostitution by her own will.

Oksana Tobor's appearance on the media has created a negative reaction within the public. To this end, Minister of Interior has sent a circular letter dated January 21, 2004 to all governors' offices in order to prevent similar future instances.

OPERATION IN TRABZON

According to the information received from the Ministry of Interior about the summer raid in Trabzon, it was a local raid conducted upon the detailed intelligence of prostitution, not TIP, which was provided by the Consulate of Russian Federation in Trabzon.

TRAINING SEMINARS AND COOPERATION WITH IOM

Human Resources Development Foundation has organized seminars and trainings, in cooperation with the International Organization of Migration (IOM), the Ministry of Justice and Interior. In 2004, the seminars and trainings in the fight against human trafficking that were organized or planned to be organized are as follows:

- January 26-27, 2004 IKGV/Ministry of Justice/IOM
- January 29-30, 2004 IKGV/Ministry of Justice/IOM
- February 25-27, 2004 IKGV/Ministry of Interior/IOM
- Mar 30 - Apr 1, 2004 IKGV/Ministry of Interior/IOM
- April 14-16, 2004 IKGV/Gendarmerie/IOM

After victims of trafficking are determined, they are provided physical and psychological assistance as well as legal counselor services. Victims are granted humanitarian visas and residence permits. If the victims insist to return to their countries, their exit is provided by the assistance of IKGV (HRDF) in coordination with IOM. Moreover, victims who would like to return to their country are not subjected to pay a fine due to their illegal overstay. The travel documents of foreigners while exiting Turkey are stamped with only an "exit" stamp; there is no other stamp, which is specially used for victims of TIP or deported persons.

INTERNATIONAL AND BILATERAL COOPERATION

As a recent development, during the consular consultations between Turkey and Belarus, both countries agreed to sign a protocol proposed by Turkey to countries of origin on bilateral cooperation in combating trafficking in human beings. The said protocol is going to be signed during the visit of Turkish Ministry of Interior in Belarus on April 27-30, 2004.

NOTE: TEXT OF PROTOCOL IN PARA 6

On March 23, 2004, during consular consultations between Turkey and Ukraine, Ukrainian side accepted to conclude the said draft protocol with some changes foreseen by their Ministry of Justice. In particular, at the consultations it is agreed to broaden cooperation in combating trafficking in human beings by providing direct communication between the concerning authorities of both parties. According to the information received from the Ministry of Interior, Ukrainian side has already asserted its plan to visit the Foreigners, Border and Asylum Department on April 2004.

Circulars on TIP

The Ministry of Interior regularly sends informative circulars to governors' offices to ensure the implementation of administrative measures taken in combating human trafficking. Recently, a circular dated March 30, 2004 was sent to governors' offices and police forces, to refer the calls of hotlines 155 and 156 concerning TIP cases to a specialized unit of human trafficking for investigation and IKGV for protection and rehabilitation. Please find below the date of the informative circulars of Ministry of Interior about legislation in human trafficking and implementation of administrative measures;

March 30, 2004
February 26, 2004
November 21, 2003
October 24, 2003
July 3, 2003
January 9, 2003
August 19, 2002

The Ministry of Interior has recently sent a new circular, dated April 9, 2004 to authorize governors' offices to extend the duration up to 6 months for temporary residence permits which have been issued to victims of TIP, in order

to allow them to stay in Turkey for rehabilitation and treatment. In case of necessity, this duration can also be prolonged.

Turkey issued the following humanitarian visas for trafficking victims:

Ukrainian citizen (woman)-January 23,2003
Ukrainian citizen (woman)-January 23, 2003
Moldova citizen (woman)- January 23,2003
Moldova citizen (woman)- January 23,2003
Uzbek citizen (woman)- January 23,2003
Iranian citizen (woman)-February 6, 2003
Iranian citizen (woman)- February 6,2003
Moldova citizen (woman)- May 29,2003
Moldova citizen (woman)- May 29, 2003
Russian citizen (woman)- June 25,2003
Moldova citizen (woman)- September 3, 2003
Moldova citizen (woman)- September 3, 2003
Kyrgyz citizen (woman)- February 6,2004
Kyrgyz citizen (woman)- February 6,2004
Kyrgyz citizen (woman)- February 6,2004
Kyrgyz citizen (woman)- February 6,2004
Kyrgyz citizen (woman)- February 6, 2004
Kyrgyz citizen (woman)- February 6,2004
Moldova citizen (woman)-March 11,2004
Moldova citizen (woman)-March 12, 2004

Further information on the cases of TIP (with reference to the Non-paper dated April 1, 2004);

Trabzon Criminal Court filed two public cases;

A) 3 Russian citizens (women) as plaintiffs and 12 accused persons, filed on February 12, 2003. The trial will be held in April 2004.

B) 6 Kyrgyz citizens as plaintiffs and 4 accused persons filed February 17, 2004. First trial of the case is going to take place in April 2004. END TEXT

16. Begin text. PROTOCOL BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF TURKEY AND UKRAINE ON THE IMPLEMENTATION OF THE FIRST ARTICLE OF THE COOPERATION AGREEMENT AGAINST CRIME

Pursuant to Article 1 of the "Cooperation Agreement Against Crime between the Governments of the Republic of Turkey and Ukraine", the Government of the Republic of Turkey and the Government of Ukraine hereinafter referred as "Parties";

Deeply concerned by the fact that trafficking in human beings, which constitutes one of the transnational organized crimes and is spread out every other day in the world and in our region, provides huge profits to organized crime networks and is also related to narcotics and arms trafficking, as well as smuggling of migrants;

Realizing that trafficking in human beings can be coped with, through timely and effective international cooperation;

Emphasizing the importance of providing judicial, humanitarian, psychological and medical assistance to victims of trafficking in human beings, facilitating their return to their countries and assuring their reintegration and taking the necessary measures in arresting the perpetrators and creating public awareness;

Recognizing the importance of the efforts in stopping the trafficking in human beings by bringing to light the crime networks;

Stressing the need to strengthen the cooperation and coordination between the Republic of Turkey and Ukraine in combating trafficking in human beings;

Have agreed, to promote measures, in accordance with their respective national legislation and procedures with a view to:

1. Completing the necessary national legal infrastructure

in the field of trafficking in human beings and taking the other necessary administrative and institutional measures;

12. Establishing a regional network between the Non-Governmental Organizations (NGO) in the countries which face this problem;

13. Supporting the victims of trafficking in human beings, following the establishment of the conditions by the Parties in the framework of humanitarian, psychological and medical care;

14. Ensuring the victims to testify in the framework of the national legal systems of the Parties, in order to arrest the perpetrators and protecting these victims;

15. Creating public awareness and awareness in the relevant institutions on trafficking in human beings;

16. Creating awareness, in their respective countries, among the persons traveling abroad and might be subject to trafficking in human beings;

17. Designating point of contacts in their respective countries, where information on victims of trafficking in human beings will be collected and which will coordinate the issue of trafficking in human beings and sharing the collected information with the other Party;

18. Training of law enforcement agents in combating trafficking in human beings, organizing joint training programs, exchanging experts of each country and increasing cooperation opportunities;

19. Providing cooperation between the scientific and academic institutions, exchanging experts of each country in order to share experience and knowledge;

10. Tasking the competent authorities in the two countries with the implementation of this Protocol.

This Protocol shall enter into force upon notification in writing by both Parties to each other that they have completed their national procedures.

Each Party may propose amendments to the present Protocol, Amendments shall enter into force upon their acceptance by all parties in accordance with the provisions of the above mentioned paragraph.

Each Party may give notice of withdrawal from the Protocol by written notification to the other Party.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol. END TEXT.

EDELMAN